File no. 2-4

1941. Serial No. 65

Previous references. Legis

Later references.

PRESERVED (36)

General and Revenue Secretariat.

Office of the Secretary to the Representative Assembly and Legislative Council

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SUBJECT.

Trade Disputes (Conciliation Settlement and Arbitration Rules.

To
The Controller Mysore Gazette
Rl no 1560 Legis 2-41-65 Dated 20th Dec 941

Nimes The rules.

K.S. Dsmith
1/8/42

Trade Disputes Settlement and Arbitration

General and Revenue Secretariat
R. A. & L. C.

File No. 161/41 of 194

[App. F. III-2

Serial No.

The Wayne Labour (Emergency) Act, 1941 has been published on the 26th August and all its provisions (except section 9 and the first schedule) have been brought into force from the 28th August.

But before action can be taken under the Act to promote Conciliation or bring into existence Tribunals to settle industrial disputes some time must elapse. Associations of employers and employees have to be registered and Rules have to be framed and all this will take some time. ~~But since action appears called for in this matter it has been decided to~~ ~~take steps to~~ ~~make Rules~~ ~~for ordinary purposes~~ ~~Rules for~~ ~~Arbitration is necessary.~~ But for the purposes of urgent disputes on work of urgent defence it is proposed that advantage may be taken to frame Rules under the Defence Act 1939 and Defence Regulations as applied to Wayne (Emergency Rules) on the lines of the Conditions of Employment and Industrial Arbitration Order made recently in England under Regulation 58A of the Defence (General) Regulations, 1939 (which corresponds to our Defence and Internal Security Regulations) Draft Rules in this behalf are submitted for consideration.

A. Fox
29.8.41

Law Secy)

May be approved

Minister for Labour) —
Chief Secy)

Dewan)

Hm
2
29/8/41

WD
29/8/41
29.8.41

Hm
2
29/8/41

Mee
29/8/41

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

2

Trade Disputes Settlement and Arbitration Rules

File No. 161/41 of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

OFFICE OF THE MINISTER FOR LAW
SEP 1 1941
No 2038

Should ~~it~~ there be a specific provision in these rules under Reg 2(3)(11) prescribing penalties for Contravention?

Hm
31-8-41

I agree to prescribe a penalty for Contravention. Submit the text of a specific provision would be necessary in these Rules.

A draft of a rule prescribing penalties is part of and will, if approved be added as rule 8. The quantum of punishment is based on the Bombay Labour (Emergency) Act.

Sd/-
1.9.41
Law Secy)

* flag pps. 29-33 for Revision

Minister for Law)

Hm
2/9/41

OFFICE OF THE MINISTER FOR LAW
SEP 2 1941
No 2096

BKR
2.9.41

The rules as drafted may be approved for final issue, as occasion arises. I consulted the deputations of employers who waited on me on 18.11.41 about the possibility of the Govt. framing rules ~~about~~ in regard to War time factories. They agreed to compulsory arbitration so long as it related to ~~the~~ emoluments & privileges and excluded

The new rule 8 is amended as instructed and the file submitted for orders

Sd/-
12.9.41
Law Secy)

Trade Disputes Settlement and Arbitration Rules. 3

General and Revenue Secretariat R. A. & L. C. | File No. 161/RL of 194 | [App. F. III-2

Serial No.

matters of factory discipline.

The necessity may arise any moment and it is desirable to be prepared for it beforehand.

Sd/- 20-11-41

Sd/- Dewan

20/11/41

Sd/- 27/11/41

28/11/41

Sd/- 28.11.41

28/11/41

After the issue of the Rules may please fix at why this memorial for 4 days to reach me. I saw this only this morning after the Law Minister has spoken to me about it

Sd/- 27/11/41

Extract taken 27/11/41

As instructed by the Law Secretary, steps are being taken to issue the Rules today in a Gazette Extraordinary.

[The question whether the definition of "industrial dispute" should be the same as in the Defence Labour Emergency Act] or whether it should bear the restricted meaning as at present is for consideration. In the latter case, strikes for purposes other than emoluments, concessions or privileges would not be subject to the Procedure set out in

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

Legis 2-41-65

Industrial Disputes Settlement and Arbitration Rules, 1941

File No. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

DEWAN'S OFFICE
22. DEC. 1941
NO. 5362

These Rules -

Sm
20/12/41

A. I agree. The definition proposed in 2-(b) - ~~is not~~ would restrict the operation. I think the term "industrial dispute" may have the same meaning as in the Labour Act. (Mr Nihill & Mr M Venkatarangaiya agree.) MG 20/12

Sd/ Law 19/12/41
with amps

The Minister for Law was pleased to say that the above Change may be adopted and the Rules issued today in a Gazette Extraordinary.

May be issued.

Hm
2
20.11.41.

Legis 2-41-65
Issued. with No. 2086/1580, dated 20.12.41 duly published as a Gazette Extraordinary today.

Sm
20.12.41

A Copy of the Proof is put up Sm 20.12.41

(Law Secy) A copy of the Gazette is put up for perusal

Minister for Law & Devan)

Hm
2
20-12-41.
Sm

Rec 22/12
Fwd 22.12

MM 24/12/41

Hm
2
24.12.41

BRA
MM

IN EXERCISE of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939) the Government of His Highness the Maharaja are pleased to make the following rules for the purpose of preventing ~~in industrial undertakings engaged in~~ work being interrupted by trade disputes, namely:-

1. (1) These rules may be called the Trade disputes Settlement and Arbitration ~~Tribunal~~ Rules, 1941.

(2) They shall come into force at once.

(3) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used ~~(subject to approval or which can be used)~~ in connection with the conduct of the present war.

words in brackets subject to approval of G.O.I.

2. In these rules, unless there is anything repugnant in the subject or context, the expressions "lock out", "strike" and "trade disputes" (employer & employee shall carry the same meanings as ~~in~~ in the Mysore Labour (Emergency) Act, 1941 (XX of 1941).

3. For the purpose of settling trade disputes which cannot otherwise be determined, there shall be constituted by the Government, a tribunal called the "Arbitration Tribunal".

4 (1) If any trade dispute exists or is apprehended that dispute, if not otherwise determined, shall be reported to the Government by or on behalf of either party to the dispute.

(2) the Government may thereupon take any steps which seems to them expedient to promote a settlement of the dispute ~~and~~ or may, if it thinks fit refer the ~~matter~~ dispute for ~~settlement~~ to the Arbitration Tribunal.

(3) Where steps to promote a settlement under sub rule (2) have been taken and these steps have not resulted in a prompt settlement of the dispute, the Government shall refer the dispute for settlement to the Arbitration Tribunal.

(4) Any ~~agreement~~, ~~decision~~ settlement or award made by virtue

of the foregoing provisions shall be binding on the employers and the workers to whom the ~~agreement~~, settlement ~~decision~~ or award relates and as from the date of such ~~agreement, decision~~ settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the ~~agreement, decision~~ settlement or award relates first arose, it shall be an implied term of the contract between the employers and ~~workers~~ employees to whom the ~~agreement, decision~~ settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such ~~agreement, decision~~ settlement or award, until varied by a subsequent agreement, decision or award.

5. An employer shall not declare or take part in a lock out and ~~a worker~~ an employee shall not take part in a strike in connection with any trade dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and 21 days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement in accordance with the provisions of that rule.

6. The Aribitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been or is eligible to be appointed a Judge of the High Court and two other members, one of whom shall be ~~kkx~~ chosen to represent employers and the other to repre-

ribunal shall make its award without delay
ble within 14 days from the date of reference.
ard on any matter referred to the Tribunal
y be made retrospective to such date not
n the date on which the dispute or question

to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(3) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(4) ~~An Officer of the Government appointed in this behalf~~ the Commissioner of Labour shall convene a meeting of the ~~workers~~ employees affected by any trade dispute and any person or committee selected by a majority of the ~~workers~~ employees present at such meeting shall be ~~chosen to~~ represent the ~~workers~~ employees in the proceedings under these Rules ~~on the Arbitration Tribunal appointed to settle that Trade dispute.~~

In the absence of a Registered Trade Union

(5) The terms and conditions of service of the members of the tribunal shall be such as may be determined by the Government.

KSH

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IN EXERCISE of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939) the Government of His Highness the Maharaja are pleased to make the following rules for the purpose of preventing work being interrupted by trade disputes, namely:-

1. (1) These rules may be called the Trade disputes Settlement and Arbitration ~~Tribunal~~ Rules, 1941.

(2) They shall come into force at once.

Submitted.

1* The changes indicated by the Law Minister on the first draft have been incorporated in the revised draft put up

2. In rule 2, the expressions "Commissioner of Labour" and "Registered Association" have also been included as these expressions occur in these rules

3. In rule 3 (3), reference to Tribunal is made. Comptroller when the parties agree to such reference this is as per instructions of the Law Secy.

Sm 29/8/

shall apply to any trade or industry engaged
n or manufacture of any article or thing
is intended to be used ~~subject to approval~~ or which can be
on with the conduct of the present war.
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ontext, the expressions "lock out", "strike"
employer & employee
tes" shall carry the same meanings as in
employer
Act, 1941 (XX of 1941).
irpose of settling trade disputes which can-
determined, there shall be constituted
, a tribunal called the "Arbitration

rade dispute exists or is apprehended that
otherwise determined, shall be reported to
or on behalf of either party to the dis-
Commissioner of Labour.
nment may thereupon take any steps which
edient to promote a settlement of the dis-
it thinks fit refer the ~~matter for settle-~~ dispute
~~ment~~ to the Arbitration Tribunal.

(3) Where steps to promote a settlement under sub rule (2) have been taken and these steps have not resulted in a prompt settlement of the dispute, the Government shall refer the dispute ~~for settlement~~ to the Arbitration Tribunal.

(4) Any ~~agreement, decision~~ settlement or award made by virtue

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of the foregoing provisions shall be binding on the employers and the workers to whom the ~~agreement, decision~~ settlement or award relates and as from the date of such ~~agreement, decision~~ settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the ~~agreement, decision~~ settlement or award relates first arose, it shall be an implied term of the contract between the employers and ~~workers~~ employees to whom the ~~agreement, decision~~ settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such ~~agreement, decision~~ settlement or award, until varied by a subsequent ~~agreement, decision~~ settlement or award.

5. An employer shall not declare or take part in a lock out and ~~a worker~~ an employee shall not take part in a strike in connection with any trade dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and 21 days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement or award in accordance with the provisions of that rule.

6. The Aribitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been or ~~is eligible to be appointed~~ a Judge of the High Court and two other members, one of whom shall be ~~the~~ chosen to represent employers and the other to represent ~~the workers~~ employees.

7. (1) the Tribunal shall make its award without delay and where practicable within 14 days from the date of reference

(2) An award on any matter referred to the Tribunal ~~for settlement~~ may be made retrospective to such date not being earlier than the date on which the dispute or question

to

to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(3) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(4) ~~An Officer of the Government appointed in this behalf shall convene a meeting of the workers~~ In the absence of a Registered Association of employees affected by any trade dispute, ~~and~~ the Comm^r of Labour shall convene a meeting of such employers and any person selected by a majority of the ~~workers~~ employers present at such meeting ~~shall be chosen to~~ or Committee represent the ~~workers~~ employees ~~on the Arbitration Tribunal appointed to settle that Trade dispute.~~ in the proceedings under this rule.

(5) The terms and conditions of service of the members of the tribunal shall be such as may be determined by the Government.

KSH

13 (Based on the order of May 1940 in the United Kingdom.

IN EXERCISE of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939) the Government of His Highness the Maharaja are pleased to make the following rules for the purpose of preventing work being interrupted by trade disputes, namely:-

2 (2)(XX)

1. (1) These rules may be called the Trade disputes Settlement and Arbitration Rules, 1941. — Short title commencement and extent.

(2) They shall come into force at once.

(3) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used in connection with the conduct of the present war.

2. In these rules, unless there is anything repugnant in the subject or context, the expressions "lock out", "strike" and "trade disputes" "Employer" "employee" "Commissioner of Labour", and "Registered Association" shall carry the same meanings as in the Mysore Labour (Emergency) Act, 1941 (XX of 1941). — Definitions

3. For the purpose of settling trade disputes which cannot otherwise be determined, there shall be constituted by the Government, a tribunal called the "Arbitration Tribunal".

4 (1) If any trade dispute exists or is apprehended that dispute, if not otherwise determined, shall be reported to the Government by or on behalf of either party to the dispute.

(2) The Government may thereupon take any steps which seems to them expedient to promote a settlement of the dispute or may, if they think fit refer the dispute to the Arbitration Tribunal.

(3) Where steps to promote a settlement under sub rule (2) have been taken and these steps have not resulted in a prompt settlement of the dispute, or where both the parties to the dispute agree to such a reference, the Government shall refer the dispute to the Arbitration Tribunal.

(4) Any settlement or award made by virtue of the foregoing provisions shall be binding on the employers and the employees to whom the settlement or award relates and as from the date of such settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the settlement or award relates first arose, it shall be an implied term of the contract between the employers and employees to whom the settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such settlement or award, until varied by a subsequent settlement or award.

5. An employer shall not declare or take part in a lock out and an employee shall not take part in a strike in connection with any trade dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and 21 days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement or award in accordance with the provisions of that rule.

6. The Arbitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been or is eligible to be appointed a Judge of the High Court and two other members, one of whom shall be chosen to represent employers and the other to represent employees.

7. (1) The Tribunal shall make its award without delay and where practicable within 14 days from the date of reference.

(2) An award on any matter referred to the Tribunal may be made retrospective to such date not

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being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(3) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(4) In the absence of a Registered Association of the employees affected by any trade dispute, the Commissioner of Labour shall convene a meeting of such employees and any person or committee selected by a majority of the employees present at such meeting shall represent the employees in proceedings under these rules.

(5) The terms and conditions of service of the members of the tribunal shall be such as may be determined by the Government.

KSH

IN EXERCISE of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939) the Government of His Highness the Maharaja are pleased to make the following rules for the purpose of preventing work being interrupted by ~~trade~~ industrial disputes, namely:-

1. (1) These rules may be called the ~~Trade~~ Industrial disputes Settlement and Arbitration Rules, 1941. Short title commencement and extent.

(2) They shall come into force at once.

(3) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used in connection with the conduct of the present war.

2. In these rules, unless there is anything repugnant in the subject or context, (a) the expressions "lock out", "strike" and "~~trade disputes~~ industrial" "Employer" "employee" "Commissioner of Labour", and "Registered Association" shall carry the same meanings as in the Mysore Labour (Emergency) Act, 1941 (XX of 1941). Definitions

(b) "Industrial dispute" ~~shall~~ means any dispute or difference between employer & employer or employee which is connected with emoluments, Conditions or privilege.

3. For the purpose of settling ~~trade~~ industrial disputes which cannot otherwise be determined, there shall be constituted by the Government, a tribunal called the "Arbitration Tribunal". Constitution of Arbitration Tribunal

4 (1) If any ~~trade~~ industrial dispute exists or is apprehended that dispute, if not otherwise determined, shall be reported to the Government by the or on behalf of either party to the dispute or by the Commissioner of Labour conciliation and arbitration Proceedings

(2) The Government may thereupon take any steps which seems to them expedient to promote a settlement of the dispute or may, if they think fit, refer the dispute to the Arbitration Tribunal.

(3) Where steps to promote a settlement under sub rule (2) have been taken and these steps have not resulted in a prompt settlement of the dispute, ~~or where both the parties to the dispute agree to such a reference~~, the Government shall refer the dispute to the Arbitration Tribunal, ~~provided that no instance of strike or~~

~~in regard to dispute any employee individual shall not be liable~~ By
~~to suspend for Compulsory arbitration.~~

(4) Any settlement or award made by virtue of the foregoing provisions shall be binding on the employers and the employees to whom the settlement or award relates and as from the date of such settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the settlement or award relates first arose, it shall be an implied term of the contract between the employers and employees to whom the settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such settlement or award, until varied by a subsequent settlement or award.

Lockouts and Strikes Prohibited

5. An employer shall not declare or take part in a lock out and an employee shall not take part in a strike in connection with any ~~trade~~ industrial dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and 21 days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement or award in accordance with the provisions of that rule.

Arbitration Tribunal

6. The Arbitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been ~~or is eligible to be appointed~~ a Judge of the High Court and two other members, one of whom shall be chosen to represent employers and the other to represent employees.

Miscellaneous

7. (1) The Tribunal shall make its award without delay and where practicable within 14 days from the date of reference.

(2) An award on any matter referred to th Tribunal may be made retrospective to such date not

being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(3) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(4) In the absence of a Registered Association of the employees affected by any ~~trade~~ individual dispute, the Commissioner of Labour shall convene a meeting of such employees and any person or committee selected by a majority of the employees present at such meeting shall represent the employees in proceedings under these rules.

(5) The terms and conditions of service of the members of the tribunal shall be such as may be determined by the Government.

29-8-41

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8. Any contravention of any of the provisions of these rules shall be punishable with the penalty specified in clause (ii) of sub-section (3) of section 2 of the Defence of India Act, as applied to Mysore.

20-11-41

Rotifn

no Rl 1560/Legis 2-41-65 dated

IN EXERCISE of the powers conferred [redacted] 2 of the Defence of India Act, 1939, as applied [redacted] (XXVI of 1939) the Government of His Highness the [redacted] are pleased to make the following rules for the purpose [redacted] of preventing work being interrupted by industrial disput[redacted] namely:-

1. (i) These rules may be called the Industrial Disputes Settlement and Arbitration Rules, 1941. — Short title commencement and extent.

(ii) They shall come into force at once.

(iii) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used in connection with the conduct of the present war.

2. In these rules, unless there is anything repugnant in the subject or context, — Definitions.

~~(a)~~ the expressions "lock out", "strike" and "Employer", "Employee", "Commissioner of Labour" and "Registered Association" shall carry the same meanings as in the Mysore Labour (Emergency) Act, 1941 (XX of 1941).

industrial dispute

(b) "Industrial dispute" means any dispute or difference between an employer and employee or employees which is connected with emoluments, concessions or privileges.

3. For the purpose of settling industrial disputes which cannot otherwise be determined, — Constitution of Arbitration Tribunal.

Notification
no Rl 1560/Legis 2-41-65 dated 20.12.41

IN EXERCISE of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939) the Government of His Highness the Maharaja are pleased to make the following rules for the purpose of preventing work being interrupted by industrial disputes, namely:-

1. (i) These rules may be called the Industrial Disputes Settlement and Arbitration Rules, 1941. — Short title commencement and extent.

(ii) They shall come into force at once.

(iii) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used in connection with the conduct of the present war.

2. In these rules, unless there is anything repugnant in the subject or context, — Definitions.

~~(a)~~ the expressions "lock out", "strike" and "Employer", "Employee", "Commissioner of Labour" and "Registered Association" shall carry the same meanings as in the Mysore Labour (Emergency) Act, 1941 (XX of 1941).

industrial dispute

(b) "Industrial dispute" means any dispute or difference between an employer and employee or employees which is connected with emoluments, concessions or privileges.

3. For the purpose of settling industrial disputes which cannot otherwise be determined, — Constitution of Arbitration Tribunal.

there shall be constituted by the Government, a tribunal called the "Arbitration Tribunal".

Conciliation and Arbitration Proceedings.

4.(i) If any industrial dispute exists or is apprehended that dispute, if not otherwise determined, shall be reported to the Government by or on behalf of either party to the dispute or by the Commissioner of Labour.

(ii) The Government may thereupon take any steps which seem to them expedient to promote a settlement of the dispute or may, if they think fit, refer the dispute to the Arbitration Tribunal.

(iii) Where steps to promote a settlement under sub-rule (ii) have been taken and these steps have not resulted in a prompt settlement of the dispute, the Government shall refer the dispute to the Arbitration Tribunal.

(iv) Any settlement or award made by virtue of the foregoing provisions shall be binding on the employers and the employees to whom the settlement or award relates and as from the date of such settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the settlement or award relates first arose, it shall be an implied term of the contract between the employers and employees to whom the settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such settlement or award,

until varied by a subsequent settlement or award.

Lock-outs and Strikes Prohibited.

5. An employer shall not declare or take part in a lock out and an employee shall not take part in a strike in connection with any industrial dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and 21 days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement or award in accordance with the provisions of that rule.

Arbitration Tribunal.

6. The Arbitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been a judge of the High Court and two other members, one of whom shall be chosen to represent employers and the other to represent employees.

Miscellaneous

7.(i) The Tribunal shall make its award without delay and where practicable within 14 days from the date of reference.

(ii) An award on any matter referred to the Tribunal may be made retrospective to such date not being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(iii) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(iv) In the absence of a Registered Association of the employees affected by any industrial dispute, the Commissioner of Labour shall convene a meeting of such employees and any person or Committee selected by a majority of the employees present at such meeting shall represent the employees in proceedings under these rules.

(v) The terms and conditions of service of the members of the tirhunal shall be such as may be determined by the Government.

8. Any contravention of any of the provisions of these rules shall be punishable with the penalty specified in clause (ii) of sub-section (3) of Section 2 of the Defence of India Act, as applied to Mysore.

Regd. No. M.—1175.

The Mysore Gazette

(EXTRAORDINARY.)

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, DECEMBER 20, 1941.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Rl. 1560—*Legis.*, *Bangalore, dated the 20th December* 1941.

IN EXERCISE of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939) the Government of His Highness the the Maharaja are pleased to make the following rules for the purpose of preventing work being interrupted by industrial disputes, namely :—

Short title, commencement and extent.

1. (i) These rules may be called the Industrial Disputes Settlement and Arbitration Rules, 1941.

(ii) They shall come into force at once.

(iii) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used in connection with the conduct of the present war.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context, the expressions "lock-out," "strike," "employer," "employee," "Commissioner of Labour," "Industrial dispute," and "Registered Association" shall carry the same meanings as in the Mysore Labour (Emergency) Act, 1941. (XX of 1941.)

Constitution of Arbitration Tribunal.

3. For the purpose of settling industrial disputes which cannot otherwise be determined, there shall be constitued by the Government, a tribunal called the "Arbitration Tribunal"

Conciliation and Arbitration Proceedings.

4. (*i*) If any industrial dispute exists or is apprehended, that dispute, if not otherwise determined, shall be reported to the Government by or on behalf of either party to the dispute or by the Commissioner of Labour.

(*ii*) The Government may thereupon take any steps which seem to them expedient to promote a settlement of the dispute or may, if they think fit, refer the dispute to the Arbitration Tribunal.

(*iii*) Where steps to promote a settlement under sub-rule (*ii*) have been taken and these steps have not resulted in a prompt settlement of the dispute, the Government shall refer the dispute to the Arbitration Tribunal.

(*iv*) Any settlement or award made by virtue of the foregoing provisions shall be binding on the employers and the employees to whom the settlement or award relates and, as from the date of such settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the settlement or award relates first arose, it shall be an implied term of the contract between the employers and employees to whom the settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such settlement or award, until varied by a subsequent settlement or award.

Lock-outs and strikes prohibited.

5. An employer shall not declare or take part in a lock-out and an employee shall not take part in a strike in connection with any industrial dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and 21 days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement or award in accordance with the provisions of that rule.

3. The Arbitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been a judge of the High Court and two other members, one of whom shall be chosen to represent employers and other to represents employees. Arbitration Tribunal.

7. (i) The Tribunal shall make its award without delay and where practicable within 14 days from the date of reference. Miscellaneous.

(ii) An award on any matter referred to the Tribunal may be made retrospective to such date not being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(iii) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(iv) In the absence of a Registered Association of the employees affected by any industrial dispute, the Commissioner of Labour shall convene a meeting of such employees and any person or committee selected by a majority of the employees present at such meeting shall represent the employees in proceedings under these rules.

(v) The terms and conditions of service of the members of the Tribunal shall be such as may be determined by the Government.

8. Any contravention of any of the provisions of these rules shall be punishable with the penalty specified in clause (ii) of sub-section (3) of section 2 of the Defence of India Act, as applied to Mysore.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

NOTIFICATION.

No. Rl. 1560—*Legis., dated Bangalore, the* 20*th December* 1941.

In exercise of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939), the Government of His Highness the Maharaja are pleased to make the following rules for the purpose of preventing work being interrupted by industrial disputes, namely :—

Short title, commencement and extent.

1. (i) These rules may be called the Industrial Disputes Settlement and Arbitration Rules, 1941.

(ii) They shall come into force at once.

(iii) They shall apply to any trade or industry engaged in the production or manufacture of any article or thing whatsoever which is intended to be used in connection with the conduct of the present war.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context, the expressions "lock-out", "strike", "employer", "employee", "Commissioner of Labour", "industrial dispute", and "registered association" shall carry the same meanings as in the Mysore Labour (Emergency) Act, 1941 (XX of 1941).

Constitution of Arbitration Tribunal.

3. For the purpose of settling industrial disputes which cannot otherwise be determined, there shall be constituted by the Government, a tribunal called the "Arbitration Tribunal".

Conciliation and Arbitration Proceedings.

4. (*i*) If any industrial dispute exists or is apprehended, that dispute, if not otherwise determined, shall be reported to the Government by or on behalf of either party to the dispute or by the Commissioner of Labour.

(*ii*) The Government may thereupon take any steps which seem to them expedient to promote a settlement of the dispute or may, if they think fit, refer the dispute to the Arbitration Tribunal.

(*iii*) Where steps to promote a settlement under sub-rule (*ii*) have been taken and these steps have not resulted in a prompt settlement of the dispute, the Government shall refer the dispute to the Arbitration Tribunal.

(*iv*) Any settlement or award made by virtue o the foregoing provisions shall be binding on the employer and the employees to whom the settlement or award relates and, as from the date of such settlement or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the settlement or award relates first arose, it shall be an implied term of the contract between the employers and employees to whom the settlement or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such settlement or award, until varied by a subsequent settlement or award.

Lock-outs and strikes prohibited.

5. An employer shall not declare or take part in a lock-out and an employee shall not take part in a strike in connection with any industrial dispute unless the dispute has been reported to the Government in accordance with the provisions of rule 4 of these rules and twenty-one days have elapsed since the date of the report and the dispute has not during that time been referred by the Government for settlement or award in accordance with the provisions of that rule.

Arbitration Tribunal.

6. The Arbitration Tribunal shall consist of three members, one of whom shall be the Chairman, being a person who is or has been a judge of the High Court and two other members, one of whom shall be chosen to represent employers and the other to represent employees.

Miscellaneous

7. (i) The Tribunal shall make its award without delay and where practicable within fourteen days from the date of reference.

(ii) An award on any matter referred to the Tribunal may be made retrospective to such date not being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Tribunal as to such date shall be conclusive.

(iii) The Tribunal may regulate its procedure and proceedings as it thinks fit.

(iv) In the absence of a Registered Association of the employees affected by any industrial dispute, the Commissioner of Labour shall convene a meeting of such employees and any person or committee selected by a majority of the employees present at such meeting shall represent the employees in proceedings under these rules.

(v) The terms and conditions of service of the members of the Tribunal shall be such as may be determined by the Government.

8. Any contravention of any of the provisions of these rules shall be punishable with the penalty specified in clause (ii) of sub-section (3) of section 2 of the Defence of India Act, as applied to Mysore.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Confidential

1st September 1941

Ref 38 Encl 1

29

I am desired to send herewith a copy of the draft Rules proposed to be issued under section 2 of the Defence of India Act, 1939, as applied to Mysore providing for compulsory arbitration and preventing the interruption of war work on account of strikes and lock-outs.

Hon
2
1/9/41

Major A.E.H. Macann, Hon'ble the
Secretary to the Resident.

Please have this issued today.

1/9/41

KSH

CONFIDENTIAL.

D.O.
No.R.F.281-41/Judl.

Bangalore,
5th September 1941.

MYSORE TRADE DISPUTES SETTLEMENT AND ARBITRATION RULES, 1941.

Dear Mr. Kesavaiengar,

Please refer to Mr. Narayana Rao's demi-official letter No.Pol.385, dated the 1st September 1941. The Resident would be glad if you could please let me know when it is proposed to introduce the draft rules and if the rules are to be introduced before Mr.Justice Singaravelu gives his finding in the Binny Mills Enquiry, whether the position of the parties will be in any way thereby affected.

Yours sincerely,

for Major Macann.

Rajasevaprasakta
Mr. B.T.Kesavaiengar, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

BJ

A reply may be sent to the Resident that

~~It may take some time for the introduction of the Rules and~~ ~~the draft Rules~~ they will not affect the position of the parties regarding the enquiry before Mr. Justice Singaravelu Modaliar.

and even if introduced.

Hm
2
6/9/41.

Minister
for Labour.)

"it is proposed to introduce the draft-rules only when ~~the draft~~ such a step is ~~of~~ found necessary as lightning strikes or lock outs are now unlawful under the Defence Labour (Emergency) Act" and the draft reply may be sent to the Dewan

Please sent a draft reply. 6-9-41
Hm

DKR

Mysore Trade Disputes Settlement and Arbitration Rules

General and Revenue Secretariat
R. A. & L. C.

File No. 2261/R of 194 [App. F. III-2

Serial No.

A draft rule as instructed above is put up

Sd/-
12.9.41

Law Secy.)

May be approved

Minister for Law.)

Hm
2
13/9/41.

BJKR
15.9.41

Hm
15/9

Secy)

Hm
2
16/9/41.

Issue BJKR
16.9.41

OFFICE OF THE MINISTER FOR LAW
SEP 15 1941
No. 2601

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

32

Confidential

D.O Pol. 512 Dt 16-9-41.

Subject.- Mysore Trade Disputes Settlement and Arbitration Rules, 1941.

With reference to your D.O. No. F.281-41 Judl. dated 5th September 1941 on the above subject, I am desired to state that it is proposed to introduce the draft rules only when such a step is found necessary, as lightning strikes or lock-outs are now unlawful under the Mysore Labour (Emergency) Act, 1941, and that even if they are resorted, they will not affect the position of the parties to the enquiry before Mr. Justice Singaravelu Mudaliar.

Hm 2 18/9/41.

15.9.41

Major A.E.H. Macann,
Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

263 16th September 1941.

D.O Pol. 512

Subject:- Mysore Trade Disputes Settlement and Arbitration Rules, 1941.

With reference to your D. O. No.F.281-41 Judl., dated 5th September 1941 on the above subject, I am desired to state that it is proposed to introduce the draft rules only when such a step is found necessary, as lightning strikes or lock-outs are now unlawful under the Mysore Labour (Emergency) Act, 1941, and that even if they are issued, they will not affect the position of the parties to the enquiry before Mr. Justice Singaravelu Mudaliar.

Major A.E.H.Macann., 16/9/41
Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Rule 58AA. of the Defence (General) Regulations, 1939.

58AA. AVOIDANCE OF STRIKES AND LOCKOUTS.--(1) With a view to preventing work being interrupted by trade disputes, the Minister of Labour and National Service may by order make provision--

(a) for establishing a tribunal for the settlement of trade disputes, and for regulating the procedure of the tribunal;

(b) for prohibiting, subject to the provisions of the order, a strike or lockout in connection with any trade dispute;

(c) for requiring employers to observe such terms and conditions of employment as may be determined in accordance with the order to be, or to be not less favourable than, the recognised terms and conditions;

(d) for recording departures from any rule, practice or custom in respect of the employment, non-employment, conditions of employment, hours of work or working conditions of any persons;

(e) for any incidental and supplementary matters for which the Minister thinks it expedient for the purpose of the order to provide.

(2) The Arbitration Acts, 1889 to 1934, shall not apply to any reference under any such order.

(3) Nothing in any such order shall affect the power to refer trade disputes or other matters for settlement or advice under the Industrial Courts Act, 1919, or affect the operation of any enactment which requires or authorises any trade dispute or other matter to be referred to the Industrial Court for settlement or advice.

(4) In this Regulation the expression "trade dispute" has the same meaning as in the Industrial Courts Act, 1919.

(5) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Labour and National Service there were substituted a reference to the Ministry of Labour for Northern Ireland.

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KSH

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Mysore Labour Legislation

AS an emergency measure the Mysore Government have assumed legislative authority to deal with labour disputes; and the legislation passed by them under the name of "The Mysore Labour (Emergency) Act 1941" is a composite measure which tries to embody in a single enactment the main provisions of a number of British Indian statutes besides containing its own rules. It starts with a recognition of the right of labourers to form trade unions, and proceeds to appoint a Commissioner of Labour charged with control over the work of labour unions. Such unions are entitled to become registered bodies on their complying with rules which are mostly to be found in the Trade Union Act of 1926. Employers and the unions are required by another provision to furnish the Commissioner with periodical statements of the position regarding the relations between the management and the workmen. Industrial disputes are thus effectually brought forward to the notice of the Commissioner, and machinery is then provided for the initiation of conciliation proceedings or the appointment of a court of arbitration as the case may be. The award of the court is made binding on the parties, and the procedure for its inquiry is prescribed. Strikes and lock-outs, contrary to the provisions of the enactment, are made punishable, and indemnity is provided for persons and bodies acting bona fide within the limits of the Act.

The Mysore legislation can hardly be called either adequate or satisfactory. In fact, it should be on more comprehensive lines and it should have the sanction of the legislature. Its welcome features are the legal recognition given to trade unions, the provision for their registration, and for the settlement of trade disputes on lines more effective than the machinery of the British Indian Codes. The strike in the Binny's Mills which gave rise to this legislation should lead to the enactment in fuller measure of laws to regulate the conditions of industrial labour. The Mysore Government, while they have introduced a labour law, have however acted outside the scope of their legitimate authority by using coercive processes against persons whom they consider to be fomentors of industrial unrest. The example set by President Roosevelt might well be followed in Mysore. The U.S.A. President investigates the merits of industrial disputes before employing the coercive authority of the State. A large number of strikes have affected war and defence work in that country, but it was found in a number of cases that the workers had legitimate claims to a larger share of the profits taken by the employers in the form of increased wages. In all such cases, the arm of the State cannot intervene for the support of the employer even though war work is impeded by the strike. In Mysore the Government have disclaimed all intention to adjudicate on the merits of the dispute between the Binnys and the workers and merely stress the fact that the Mills are engaged in the preparation of war-materials. If the Mysore Government adopt President Roosevelt's rule, they can reconcile the claims of efficiency and equity and remove any possible impression that the dice is loaded against the labourers by State intervention.

—:o:—

35

(Chief Secy) 30 8 41

Law Minister 31/8

1.9.41

CHIEF SECRETARY, 11 AUG. 1941, GOVT. OF MYSORE.

Law Sec 4.

16/8/41.

Please keep in connected file of Compulsory Arbitration Act under S of I. Act

By 2/9

Hm 3/9/41

Serial No.	
	The accompanying rules are intended to prevent strikes and lock outs and the consequent interruption of war work and to provide for compulsory arbitration of trade disputes by Government. They are framed under the Defence of India Act, as applied to Mysore. These rules are proposed to be issued since the Labour Emergency Act will take some time to come into working and further does not provide for compulsory arbitration
	For kind perusal.
	Minister for Education)

OFFICE OF THE MINISTER FOR EDUCATION
Date 30/8/41
No. 1502

Hm 30/8/41

Hm 31.8.41

Hm 2/9/41

NOTE—Contn. Sheet

WD 01925—GPB—1,000—4-3-41

Serial No.

The accompanying rules are intended to prevent strikes and lock outs and the consequent interruption of war work and to provide for compulsory arbitration of trade disputes by Government. They are framed under the Defence of India Act, as applied to Mysore. These rules are proposed to be issued since the Labour Emergency Act will take some time to come into working and further does not provide for compulsory arbitration

The rules are framed on our order

for kind perusal

Minister for Local Self-Government)

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 1-9-41
No. 12.56

Hm 2 30/8/41

30.8.41

Hm 2 1/9/41

BKR 1941

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41